

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

1030662-000113

In re Patent Application of: Yoji ITO

Application No.: 10/508,864

Filed: September 24, 2004

For: OPTICAL COMPENSATORY SHEET COMPRISING POLYMER FILM



The owner\*, Fuji Photo Film Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/471,560, filed on September 12, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Robert G. Mukai  
Signature

March 20, 2006  
Date

Robert G. Mukai, Reg. No. 28,531  
Typed or printed name

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Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

03/22/2006 HALI11 00000027 10508864

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Patent  
Attorney's Docket No. 1030662-000113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Yoji ITO	)	Group Art Unit: 1772
Application No.: 10/508,864	)	Examiner: Sow Fun HON
Filed: September 24, 2004	)	Confirmation No.: 6693
For: OPTICAL COMPENSATORY SHEET	)	
COMPRISING POLYMER FILM	)	

**STATEMENT UNDER 35 U.S.C. §103(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

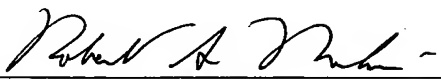
Sir:

I, the undersigned, hereby submit that the claimed invention and Application No. 10/471,560 filed September 12, 2003 and published as U.S. Patent Application Publication No. 2004/0096594 were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Respectfully submitted,

BUCHANAN INGERSOLL PC (INCLUDING ATTORNEYS  
FROM BURNS, DOANE, SWECKER & MATHIS)

Date: March 20, 2006

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